

Remarks

The Examiner's reconsideration of the application is requested in view of the amendments above and comments which follow.

It appears that the claims stand in condition for allowance insofar as the prior art is concerned, but the Examiner has now rejected Claims 1, 3-12, 16 and 18-21 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Reconsideration is requested.

First, with respect to Claims 3-12, independent Claims 1 and 12 have been amended to require that the media proxy be stored on a computer readable storage medium. That, it is submitted, meets the machine or transformation test of In re Bilski. Therefore it is submitted that the claims are directed to statutory subject matter.

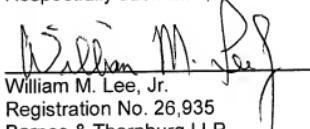
Regarding Claims 16 and 18-21, with Claim 16 being the only independent claim, reconsideration of the rejection is requested. It is clear that Claim 16 is directed to a method which does include a media proxy and, as the Examiner has indicated, software can be provided for implementing the media proxy as explained at page 5, lines 19-27. However, Claim 16 describes a method using statutory subject matter, such as a first and second media gateway. Media gateways are described in the specification as specific structure. As explained in the specification, such as at page 8, lines 16-26, the media gateway is used in the network of Figure 1, which describes structure, including the gateway 38. Further, Claim 16 refers to the first and second media gateways having respective addresses. According to the specification, such as at page 8, lines 16-26, in an embodiment these addresses are IP addresses. It follows, therefore, that in that embodiment the respective gateways are configured to be connected to and communicate over an IP network, which itself comprises physical structures. Further, Claim 16 relates to a method for forwarding media packets from a first gateway located near a first end of a path of a communication session to a second media gateway located near a second end of the communication session path. Such forwarding of media packets from a first gateway near a first end to a second gateway near a second end of a communication session path necessitates movement of the media packets between the two different media

gateways at different physical locations. Thus, not only is it required to move media packets between two different media gateways, which are inherently separate functional physical objects, but these separate physical objects are located at different physical locations. Such movement of media packets between objects at different locations inherently requires physical structure. Clearly, Claim 16 is not directed simply to software, but rather to a method embodying structure. It is therefore submitted that Claim 16, and its dependent claims, are directed to statutory subject matter.

The indicated allowability of the subject matter of Claims 13-15 and 23 is gratefully acknowledged. With the amendments of Claims 1 and 12 above, and given the comments set forth above, it is submitted that all claims are now in condition for allowance, and the Examiner's further and favorable reconsideration in that regard is urged.

June 25, 2009

Respectfully submitted,



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